

agent, or attorney, a certificate under his hand and the seal of the county, stating that an appeal has been taken in the case, and the sheriff or other officer having the custody of the defendant, must upon the delivery of such certificate to him refrain from the infliction of the punishment of death upon the defendant, and retain him in custody to abide the judgment of the appeal.

SEC. 18. When a judgment of death has been affirmed, the supreme court must cause a copy of the entry of judgment to be remitted to the governor, to the end that a warrant of the execution may be issued by the governor. The governor shall send his warrant of execution by a special messenger, or by mail, to the proper officer, and shall name therein the day and time of execution, but shall not appoint an earlier day than that fixed by the judgment of the district court. The officer receiving the same shall execute the warrant of the governor as therein directed and shall report his action both to the governor and the district court which rendered the original judgment. If for any cause the execution does not take place on the day appointed by the governor, the governor may from time to time appoint another day for the execution until the judgment is carried into effect.

Appeal: Proceedings in case judgment is affirmed by supreme court.

SEC. 19. All indictments pending in any court of this state for any crime committed in violation of said section 3849 of the Code shall be prosecuted to final judgment, and all crimes that have been committed in violation of said section shall be subject to indictment, trial and punishment in the same manner as they would have been had said section not been repealed.

Indictments pending shall be prosecuted to judgment under Code, § 3849.

SEC. 20. All acts and parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

Approved, March 26, 1878.

CHAPTER 166.

TUITION OF PAUPER CHILDREN.

AN ACT to amend Section 1381, Chapter I, Title XI., of the Code, providing for the Payment of the Tuition of Pauper Children. S. F. 329.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1381 of the Code is hereby amended by adding at the end of the section: The expense of the poor-house shall include such an amount of tuition for the instruction of the pauper children as the whole number of days' attendance of such pauper children is to the total number of days' attendance in the school at which such pauper children attend, and such amount shall be paid into the treasury of the district where said children attend.

Code, § 1381: amended.
How paid

SEC. 2. This act, being deemed of immediate importance, shall

Publication. take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the Iowa State Register April 3, and in the Iowa State Leader, April 5, 1878.

JOSIAH T. YOUNG, Secretary of State.

CHAPTER 167.

SALARIES OF OFFICERS OF THE PENITENTIARY OF THE STATE.

S. F. 281. AN ACT to repeal Chapter 156 of the Laws of the Sixteenth General Assembly, and to enact a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

Chapter 156, 16th G. A. repealed. SECTION 1. That chapter 156 of the laws of the 16th general assembly is hereby repealed, and the following enacted in lieu thereof:

Appropriation for salaries. SECTION 4783. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, so much as may be necessary to pay monthly to the persons herein named the following sums, viz: To the warden, one hundred and sixty-six dollars and sixty-seven cents; to the deputy warden, one hundred dollars; to the clerk, sixty dollars; to the surgeon, forty dollars; to the chaplain, who shall also perform the duties of teacher, sixty-two dollars and fifty cents; to the hospital steward, fifty dollars; to the turnkey, forty-five dollars, and to each guard forty-five dollars.

Warden shall have rent, fuel, &c. *Provided,* That the warden shall be furnished, in addition to the above, with house rent, fuel and lights for himself and family at the expense of the state, but no other perquisites or allowances of any character shall be permitted; and,

Shall file affidavit with auditor of state. *Provided,* That on the last of each month the warden shall make and file with the auditor of state an affidavit that during said month he has not directly or indirectly converted to his own use any provisions, supplies, waste, or materials belonging to the state, nor permitted the same to be done by any other officer or person, except as herein provided, which said affidavit must be filed before any warrant shall issue to the warden for his own compensation, as provided in this section; and,

Provisions to apply to Anamosa Penitentiary. *Provided, further,* That the salaries and compensations allowed in this section shall also apply to the additional penitentiary at Anamosa, except that no deputy warden shall be appointed at such additional penitentiary.

Repealing clause. SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.